

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LEONARD CARTER,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting  
Commissioner of the Social Security  
Administration,<sup>1</sup>

Defendants.

C14-158 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) On September 2, 2014, this Court adopted the Report and Recommendation of Magistrate Judge Tsuchida, docket no. 28, and entered judgment, docket no. 29, reversing and remanding the Commissioner's decision for further proceedings under 42 U.S.C. § 405(g). Plaintiff thereafter moved for attorney's fees pursuant to 28 U.S.C. § 2412(d), docket no. 30, which this Court denied by Minute Order on January 5, 2015, docket no. 32, after finding that defendant's position was "substantially justified." Defendant's opposition, docket no. 31, did not address the reasonableness of plaintiff's claimed fee. Plaintiff appealed, docket no. 33, and the Ninth Circuit reversed, docket no. 35, holding that plaintiff "is entitled to attorneys' fees under the EAJA because the agency decision on review was not substantially justified." The Ninth Circuit's mandate, docket no. 36, was received by this Court on March 6, 2017. Accordingly, defendant is

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<sup>1</sup> Pursuant to Federal Rule of Civil Procedure 25(d), Nancy A. Berryhill is hereby substituted for former Acting Commissioner Carolyn W. Colvin as the named defendant in this action.

1 DIRECTED to file, on or before April 10, 2017, supplemental briefing not to exceed  
2 eight (8) pages addressing defendant's position on whether the fees claimed in plaintiff's  
3 motion, docket no. 30, are reasonable. Plaintiff's response, if any, shall not exceed eight  
4 (8) pages and is due on or before April 24, 2017.

5 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of  
6 record.

7 Dated this 28th day of March, 2017.

8 William M. McCool  
9 Clerk

10 s/Karen Dews  
11 Deputy Clerk